IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1548 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LATIF (ABDUL LATIF) IBRAHIM ODHEJA - Petitioner(s)

Versus

ANJAR AREA DEVELOPMENT AUTHORITY & 3 - Respondent(s)

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Appearance :

MR NALIN K THAKKER for Petitioner(s) : 1,
MS FALGUNI PATEL, AGP for Respondent(s) ,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/02/2006

ORAL JUDGMENT

1.Leave to amend the prayer clause.

2.Rule. Learned AGP Ms.Patel waives service of notice of rule on behalf of the respondents.

3.In the present petition, the petitioner has challenged the order dated 26.1.2005 passed by the Deputy Collector, Anjar. By the said order, the request of the petitioner for being granted earth-quake relief came to be turned down. The reason indicated was that the property in question was jointly owned by the family members. It is stated that no objection from the members is not produced. Learned advocate for the petitioner points out that consent letter was produced duly signed by all the members of the family being letter dated 3rd June 2002. He therefore submitted that the reason indicated in the impugned order is not borne out from record. Be that as it may, the learned advocate for the petitioner submitted that all family members are prepared to give such a letter even afresh.

4.In the result, the proceedings are remanded to the Deputy Collector. The order dated 26.1.2005 passed by the Deputy Collector is quashed. If the petitioner produces necessary consent letter of all family members for being granted earth-quake relief for the property in question, the Deputy Collector shall consider the application of the petitioner afresh after examining the question of due consent of all the family members. With these directions, the petition is disposed of.

Rule is made absolute to the above extent with no order as to costs.

5.Direct service is permitted.

(Akil Kureshi, J.)

(vjn)